IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

SATURDAY, THE 1ST DECEMBER 2007 / 10TH AGRAHAYANA 1929

MACA.No. 1295 of 2005()

OPMV.2560/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOTTAYAM
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APPELLANTS/PETITIONERS:
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1. THRESSIAMMA, W/O. LATE BABY JOSEPH,
KANJIRAMKALA HOUSE, ATHIRAMPUZHA P.O.,
KOTTAYAM.

2. BINTU MOL THOMAS, D/O. LATE BABY JOSEPH
MINOR AGED 14 YEARS, REPRESENTED BY HER MOTHER
AND NATURAL GUARDIAN, THE 1ST APPELLANT.

3. BINNI MOL THOMAS, D/O. LATE BABY JOSEPH
MINOR AGED 11 YEARS, REPRESENTED BY HER
MOTHER AND NATURAL GUARDIAN, THE 1ST APPELLANT.

BY ADV. SRI.P.RAVINDRA BABU
SRI.VARGHESE PREM

RESPONDENTS:
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1. K.N. NARAYANAN ALIAS CHELLAPPAN,
S/O. NARAYANA PILLAI, KALOOR HOUSE,
CHIRAPPURAM, KIDANGOOR SOUTH P.O.,
KOTTAYAM DISTRICT.

2. THE NATIONAL INSURANCE COMPANY LTD.,
REPRESENTED BY ITS BRANCH MANAGER,
PALA, KOTTAYAM DISTRICT.

BY ADV. SRI.E.M.JOSEPH

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 01/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

M.A.C.A.No.1295 OF 2005

Dated this the 1st day of December, 2007

JUDGMENT

Radhakrishnan, J.

Appellants are the legal heirs of the deceased claimant. Petition was preferred stating that claimant had sustained serious injuries. While he was standing on the side of the quarry, the lorry-KLO 114 driven by the first respondent was taken forward and the rubble fell down to his legs and he sustained serious injuries. He claimed an amount of Rs. 1,75,000/-. The application was dismissed by the Tribunal noticing that no accident was occurred as stated by the claimant. If such an accident had been occurred the claimant would have reported the same either before the Doctor or before the police. Criminal case was registered only after two months from the date of the accident. No oral evidence was adduced by the claimant. No independent person was examined. Claimants have not succeeded in establishing that the lorry was involved in the accident. There is no error in the findings rendered by the Tribunal. Therefore, the Appeal is dismissed.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.